



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 5248-99

8 February 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps Reserve on 9 March 1973 at the age of 17. Shortly thereafter, on 16 July 1973, you received nonjudicial punishment (NJP) for dereliction in the performance of your duties and were awarded forfeitures totalling \$25. On 7 August 1973 you received NJP for a day of unauthorized absence. The punishment imposed was forfeitures totalling \$25.

Your record reflects that during the period from 7 June to 27 August 1974 you received NJP on five occasions for failure to go to your appointed place of duty, a two day period of UA, and five periods of absence from your appointed place of duty.

Your record further reflects that on 20 January 1975 you received your eighth NJP for a four day period of UA and awarded forfeitures totalling \$100.

On 28 January 1975 you were notified of pending administrative separation action by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). Subsequently, your commanding officer recommended an undesirable discharge by reason of unfitness. On 27 March 1975 an ADB also recommended that you be issued an undesirable discharge by reason of unfitness due to frequent involvement of a discreditable nature. On 8 May 1975 the discharge authority approved the foregoing recommendations and directed your commanding officer to issued you an undesirable discharge by reason of unfitness. On 15 May 1975 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded. The Board also considered your contention that your expectations of the Marine Corps changed when you started consuming alcoholic beverages and because of the negativity and tension, you did not enjoy serving in the Marine Corps. However, the Board concluded these factors were not sufficient to warrant a change in the characterization of your discharge due to the seriousness of your frequent misconduct which resulted in eight NJPs. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director